

REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claim 31-37 are added without the introduction of new matter.

Claims 1-3, 6-8, 24 and 26 are amended without the introduction of new matter.

Claims 1-37 are pending subject to election/restriction requirement.

II. Examiner's Notes

The Examiner states that claims 1, 24 and 26 use confusing terms such as "optionally," "any combination of the following," and "a combination of," and recommends amending the claims without those terms. In response, claims 1, 24 and 26 are amended to address those Examiner's notes. Similarly, claims 2, 3 and 6-8 are amended to clarify subject matter recited.

III. Restriction/Election Requirement

The Examiner required election of one of the distinct species of the claimed invention. However, the Examiner did not clearly identify each of the disclosed species referring to the figures despite the rules under MPEP §809.02(a), and merely states that:

[F]igures 3-21 illustrate many different embodiments of the elastic band members arrangement on a lower torso garment (short or long pant). The species are independent or distinct because as illustrated the elastic band members are located at different locations on the garments.

In response, Applicants identify two distinct species as follows:

Species I: Figs. 1-16 directed to a pants garment; and

Species II: Figs. 17A-21B directed to an above-knee length pants garment.

Then, Applicants elect Species I, and claims 1-37 as readable on Species I. Applicants consider claims 1, 29 and 30 as generic. Further, the outstanding election requirement is respectfully traversed for the following reason.

MPEP §803 states the following:

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

The claims of the present application would appear to be part of an overlapping search area. Applicants therefore respectfully submit that there is no undue burden on the Examiner to search all the claims under MPEP §803, and traverse the Election of Species Requirement on the grounds that a search and examination of all the claims in the application would not place a *serious* burden on the Examiner.

Accordingly, it is respectfully requested that the requirement to elect a single disclosed species be withdrawn, and that a full examination on the merits of each of claims 1-37 be conducted. Thus, claims 1-37 are elected **with traverse**.

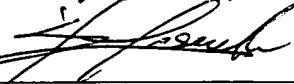
CONCLUSION

In view of the above remarks, withdrawal of this Restriction/Election Requirement is respectfully requested.

An early examination is respectfully requested.

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Respectfully submitted,

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